

**State of California  
Office of Administrative Law**

**In re:**

**Department of Corrections and  
Rehabilitation**

**Regulatory Action:**

**Title 15, California Code of Regulations**

**Adopt sections:**

**Amend sections: 3043**

**Repeal sections:**

**NOTICE OF APPROVAL OF CERTIFICATE OF  
COMPLIANCE**

**Government Code Section 11349.1 and  
11349.6(d)**

**OAL File No. 2014-0821-01 C**

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The Department of Corrections and Rehabilitation submitted this certificate of compliance for an emergency regulatory action which amended section 3043 of title 15 of the California Code of Regulations which included the Enhanced Outpatient Program (EOP) in the Milestone Completion Credit Schedule.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

**Date: 9/17/2014**

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Craig S. Tarpenning**

**Craig S. Tarpenning  
Assistant Chief Counsel**

**For: DEBRA M. CORNEZ  
Director**

**Original: Jeffrey Beard  
Copy: Gail Long**

## NOTICE PUBLICATION/REGULATION SUBMISSION

CERT

(See instructions on reverse)

For use by Secretary of State only

ENDORSED FILED  
IN THE OFFICE OF

2014 SEP 17 AM 1:59

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0513-02	REGULATORY ACTION NUMBER 2014-0821-01C	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2014 AUG 21 PM 3:05

OFFICE OF  
ADMINISTRATIVE LAW

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

14-0047

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice (e Proposed) <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014, 232	PUBLICATION DATE 5/23/2014

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Milestone Completion Credits for Enhanced Outpatient Program Inmates	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2014-0501-04 EON
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3043
	REPEAL
TITLE(S) 15	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code § 11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code § 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code § 11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)	<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, § 94 and Gov. Code § 11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, § 100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> § 100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM § 6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON

Gail Long	TELEPHONE NUMBER (916) 445-2276	FAX NUMBER (Optional) (916) 324-6075	E-MAIL ADDRESS (Optional) gail.long@cdcr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

MARTIN HOSHINO, Undersecretary, Operations

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 17 2014

Office of Administrative Law

## TEXT OF PROPOSED REGULATIONS

In the following text underline indicates additional text and ~~strikethrough~~ indicates deleted text.

### Chapter 1. Rules and Regulations of Adult Operations and Programs

#### Article 3.5. Credits

##### 3043. Credit Earning.

Subsections 3043 through 3043(c)(3) are unchanged.

Subsections 3043(c)(4) through 3043(c)(6) are amended to read:

(4) For the purposes of this section, in-prison or ACP rehabilitative programs shall include, but are not limited to academic programs, Career Technical Education programs, Cognitive Behavioral ~~Therapy~~ Treatment programs, substance abuse treatment, and social life skills, and Enhanced Outpatient Program (EOP) group module treatment.

(5) Each program milestone shall identify the applicable credit reduction, and shall specify the performance measurement necessary for attainment. Performance measurements include the mastery/understanding of course curriculum demonstrated by completion of assignments, instructor evaluation and standardized testing. For EOP group module completions, in lieu of standardized testing, inmates must participate and successfully complete a minimum of 80 percent of all required group module treatment sessions in accordance with their mental health treatment plan within a 6-month period.

(6) Specific milestone completions and credits awarded are established by the Division of Rehabilitative Programs on the Milestone Completion Credit Schedule (Rev. 09/13 04/14), which is incorporated by reference. All changes to the Milestone Completion Credit Schedule shall be adopted in accordance with rulemaking requirements of the Administrative Procedures Act (Government Code sections 11340 through 11364).

Subsections 3043(c)(7) through 3043(11)(i) are unchanged

Note: Authority cited: Sections 2700, 5058, 5058.3 and 1170.05, Penal Code. Reference: Sections 1170.05, 2931, 2933, 2933.05, 2935, 5054, 6260, 11189 and 11190, Penal Code; Section 3201, Welfare and Institutions Code; *In re Monigold*, 205 Cal. App. 3d 1224, and *People v. Jones*, 44 Cal.Rptr.2d 164 (Cal. 1995).